

**INFORMATION DISCLOSURE  
STATEMENT**

Applicants:	BOYERT, Ross et al.
Application No.	Not yet assigned
Filed:	Herewith
For:	DISTRIBUTION SYSTEM AND METHOD
Group Art Unit:	
Examiner:	
Attorney Docket No.:	2103270-991110

U.S. PTO  
 11/13/01  
 09/02/01  
 11/13/01  
 11/13/01

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

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In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a)  accompanies a new patent application submitted herewith.
- (b)  is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; OR
- (c)  after the period defined in (b) but before the mailing date of a Final Rejection or Notice of Allowance, OR
- (d)  is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below OR
- (d)  is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (f)  Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (g)  No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application. Copies of the references are enclosed

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896

Respectfully submitted,

Date: November 13, 2001

GRAY CARY WARE & FREIDENRICH LLP

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PATENT TRADEMARK OFFICE

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I hereby certify that this Utility Patent Application is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner of Patents & Trademarks; Washington, DC 20231.

Rosa A. Caviedes

November 13, 2001

Date

*Rosa A. Caviedes*  
Signature

Jc658 U.S. PTO  
09/992352  
11/13/01

Form PTO-1449 U.S. DEPT. OF COMMERCE (modified 2/91) Patent and Trademark Office <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	Attorney Docket Number:	Serial Number:
	2103270-991110	Not yet assigned
	Applicant: Boyert, Ross et al. Filing date: Herewith Group art unit:	

## U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Date	Name	Class	Sub-class	Filing date if appropriate
	4,894,717	16-Jan-90	Komei			
	5,072,401	10-Dec-91	Sansome			
	5,485,369	16-Jan-96	Nicholls et al.			
	5,615,121	25-Mar-97	Babayev et al.			
	5,890,137	30-Mar-99	Koreeda			
	5,897,622	27-Apr-99	Blinn et al.			
	6,014,634	11-Jan-00	Scroggie et al,			
	6,026,375	15-Feb-00	Hall et al.			
	6,026,376	15-Feb-00	Kenney			
	6,085,170	4-Jul-00	Tsukuda			
	6,101,485	8-Aug-00	Fortenberry et al.			
	6,134,557	17-Oct-00	Freeman			

## FOREIGN PATENT DOCUMENTS

Document number	Date	Country	Class	Sub-class	Translation	
					YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Langbery, Mike et al., "Webvan: Doomed from the Start?", San Jose Mercury News, 10 July 2001
Lankford, Kimberly, "Groceries to Go", Kiplinger's Personal Finance, August 2001, p. 96-100
Seipel, Tracy et al., "The Consumers: Online Groceries are a Tough Sell", San Jose Mercury News, 10 July 2001
Spurgeon, Devon, "Albertson's to Cut Staff by 15% to 20%, close or sell 165 Underperforming Stores", Wall Street Journal, 18 July 2001
Spurgeon, Devon, "Traditional Grocers Feel Vindicated by Webvan's Failure", Wall Street Journal, 11 July 2001
Tessler, Joelle, "Out of Time, 2000 Jose Jobs in 850 Million Failure" San Jose Mercury News, 10 July 2001

Examiner:	Date Considered:
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP '609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	